



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Continued Public Hearing to consider the downzoning of East Lodi Avenue on the north side, the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial to C-1, Neighborhood Commercial.

MEETING DATE: October 18, 1995

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a continued Public Hearing to consider the Planning Commission's recommendation that the City Council downzone East Lodi Avenue on the north side, the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side, 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial to C-1, Neighborhood Commercial.

BACKGROUND INFORMATION: Earlier this year, Virginia Snyder with the Eastside Improvement Committee, corresponded with the Planning Commission concerning the unsightly conditions on East Lodi Avenue between the Southern Pacific Railroad and Cherokee Lane and asked the Planning Commission to help abate the problem. The major problem listed by the Committee were outside sales of used tires and second-hand furniture. The Committee also pointed out the lack of off-street parking and commercial enterprises being conducted in residential structures.

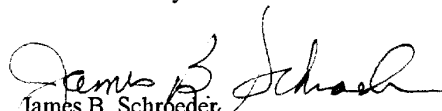
The Planning Commission determined that the out-of-doors sales issue could be addressed by downzoning the property to C-1, Neighborhood Commercial. Since the C-1 zone requires that all activities be conducted inside, the open-air sales would become non-conforming uses and ultimately abated.

The off-street parking issue and use of homes for commercial purposes have not yet been reviewed and recommended by the Planning Commission.

At its meeting of August 16, 1995 the City Council opened a Public Hearing on this Planning Commission recommendation. The matter was continued for 2 months to (1) provide time for property and business owners to become more familiar with the recommendation; (2) allow staff an opportunity to meet with an appraiser to determine if the downzoning would affect property values.

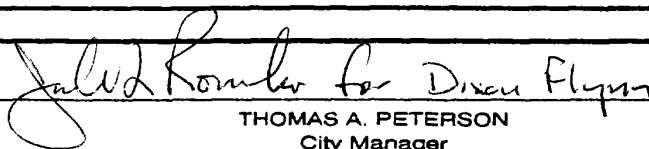
About a week or ten days after the Council meeting, the Community Development Director met informally with Rich Bromwell M.A.I. (Master Appraisal Institute) to discuss the affect of the downzoning on property values. Mr. Bromwell indicated that in his past experience, this type of commercial zoning did not affect value. The neighborhood, the surroundings and the condition of the property (i.e. location, location, location) were the factors that counted. He indicated that the Payless/Lucky site on West Lodi Avenue, before the improvements were made, had a higher per square foot value than the Safeway site on East Lodi Avenue. Payless/Lucky is zoned C-1 while Safeway is zoned C-2.

FUNDING: None required


James B. Schroeder
Community Development Director

JBS/lw
Attachments

APPROVED:


THOMAS A. PETERSON
City Manager



MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

MONDAY

JULY 10, 1995

7:30 P.M.

The Planning Commission met and was called to order by Chairman Harry Marzolf

Commissioners Present: Michael Lapenta, Chairman Harry Marzolf,
Jonathan McGladdery, Craig Rasmussen, Dorean Rice,
John Schmidt.

ROLL CALL

Commissioners Absent: Roger Stafford

Others Present: John Luebberke, Assistant City Attorney, James B. Schroeder,
Community Development Director, David Morimoto, Senior Planner,
Eric Veerkamp, Assistant Planner and Lisa Wagner, Secretary.

The Minutes of the Regular Session of June 19, 1995 were approved as mailed.

**MINUTES
JUNE 19, 1995**

PUBLIC HEARINGS

Chairman Marzolf announced that now is the time and place for the public hearing to consider the downzoning of East Lodi Avenue and the 100 and 200 blocks of East Pine Street from C-2, General Commercial to C-1, Neighborhood Commercial. Senior Planner Morimoto introduced this matter to the Planning Commission. Mr. Morimoto explained that the Planning Commission and the Eastside Improvement Committee had expressed interest in the possibility of changing the zoning on East Lodi Avenue and a section of East Pine Street from General Commercial to Neighborhood Commercial and had requested staff to explore this possibility. The reason for this request was to eliminate, over time, some of the more intense commercial uses in these areas. These included bars, car lots, outside sales of used tires, and certain auto repair businesses. Staff briefly reviewed the types of uses that were permitted in C-2 zones vs. the types of uses that were permitted in C-1 zones. It was explained that even uses that became non-conforming as a result of the zoning change could be allowed to continue under a "grandfather clause." Under this practice, existing uses that became non-conforming would be allowed to continue as long as they did not substantially change or expand and that their use did not lapse for more than a six-month period. This would assure that all existing businesses could continue as they have done so in the past.

**DOWNZONING
OF
EAST LODI AVE.
&
THE 100 & 200
BLOCKS OF
EAST
PINE STREET**

Based on a land use study conducted by the Planning Department, it was estimated that approximately 6 businesses would clearly become non-conforming if the rezoning took place. These would include the outdoor tire sales, car lots, bars, and the Greyhound Bus facility. Staff noted that even if the zoning in these two areas were changed, the actual uses and appearance of the streets would not change overnight because most of the existing properties would still be permitted in the new C-1 zone and even the

non-conforming uses would be grandfathered-in. A significant change in appearance might not occur for many years.

Mr. Morimoto suggested that in addition to changing the zoning in the area, the City may also have to adopt a new set of regulations which establish clear guidelines on what improvements a business would have to make in order to conduct a commercial activity on a piece of property. This was particularly true for residences which were converted to commercial uses. These guidelines could include things like parking, landscaping, signing for the restriction on outdoor display or storage of sale items. The City will also have to revise their Zoning Ordinance to update the list of permit uses in both C-1 and C-2 zones. It was noted that the Zoning Ordinance dates back to 1953 and the types of uses included in the lists need to be updated.

The Planning Commission directed a number of questions to City staff dealing primarily the impact of the zoning change on existing businesses. Staff explained that City policy has always been to grandfather-in existing uses and treat them as existing non-conforming uses which would allow them to continue in operation as long as they did not go out of operation for a period in excess of six-months. The Commission also asked about businesses that store sale items out in the open. Staff explained that this would not be permitted in a C-1 zone; however, existing businesses would be allowed to remain. New businesses would have to conduct their business inside of a building. For example, the used tire sales could still be conducted if all of the tires were stored inside of a approved commercial building. Following some more additional discussion Chairman Marzolf opened the hearing to the public and asked if anyone in the audience wished to speak on this matter.

Coming forward to speak was Virginia Snyder, P.O. Box 2444, Lodi. Ms. Snyder spoke in favor of the zoning change with the hope that it would help upgrade the east side commercial areas. She also expressed her desire to allow existing businesses to remain in business even if they were non-conforming under the new zoning classification. She also felt that additional enforcement would be necessary to clean up some of these areas. She also briefly discussed the formation of a landmark district within the east side to establish certain architectural guidelines for the area.

The next speaker was Virginia Lahr, 311 East Elm Street. Ms. Lahr also spoke in favor of the proposed zoning change. She expressed particular concern about the outdoor tire sales. She felt they were a fire hazard. She noted that badly operated businesses had a negative impact on adjacent good businesses and made it more difficult for them to be successful. She also discussed the use of a "contingency use permit" which would restrict the uses of a property to a specific type of business which could not be changed without specific approval.

The next speaker was Camille Green, 405 E. Pine Street. Ms. Green felt that outdoor storage and sale of items went on because no one was doing anything to stop this type of activity. She felt that the City needed a code enforcement officer to handle these kind of problems.

The next speaker was Colleen Dixon, 333 E. Hilborn Street. Ms. Dixon also stated her support for the proposed zoning change and added that she did not want existing uses

put out of business. She did not, however, want the process of cleaning up the east side to take 20 years. She felt that other methods could be used to clean up the area.

The next speaker was Fred Muther, 904 Sylvia Drive. Mr. Muther stated that he owned the old Courtesy Motor property at the northeast corner of Pine and Stockton Street and also the old car lot across the street that is currently being used to sell used tires. Mr. Muther explained the problems that property owners in the area had in renting out their property and keeping good tenants. He suggested a number of ways landlords could work with their tenants to improve the appearance of their properties. He was opposed to any change in the zoning because it would limit the number of potential tenants that could utilize his property. He explained that many of the buildings in the area were old and were built for specific uses and would be difficult and expensive to convert to uses that might conform to the C-1 zoning. He felt that property owners needed every opportunity to rent out their properties in order to make a living.

The next speaker was Helen Beoshanz, 958 Quinta Court, Woodbridge. She read a letter from her husband expressing their opposition to the proposed rezoning. She felt that the existing C-2 zoning was appropriate for the area and that any action which made it more difficult for landlords to find tenants could lead to further deterioration of the neighborhood. She also implied that they would consider legal action for any loss to the value of their property.

The next speaker was Gertie Meidinger, 123 E. Pine Street. Ms. Meidinger spoke in opposition to the proposed zoning change. She explained that she owned the used car lot at 123 E. Pine Street. She noted that this property had been used for a car lot for many years and that she relied on the income from the property to supplement her social security income. She was opposed to anything that would effect her ability to lease the property out as a car lot.

The next speaker was Don Ostorero, 201 E. Pine Street. Mr. Ostorero explained that he owned Transmissions by Hal, which is located behind the Greyhound Bus Depot. He felt that the proposed zoning change would place an undue hardship on his business. He noted that the building was specifically built for an automotive related business and would be difficult to convert to some other type of use.

The next speaker was Fred Muther who had spoken previously. Mr. Muther noted that the east side was one of the few locations in Lodi where new businesses could start with low rents and low overhead. He felt that this was an important area for people starting a new business. He also discussed ways in which businesses, like the used tire sales, could be improved to make them more compatible with the surrounding area.

There being no further speakers, Chairman Marzolf closed the floor to the public. Commissioner Rassmussen stated that he was in favor of the proposed rezoning. However, he was concerned about the potential loss of tenants if a business were to lapse for more than six-months and how that would impact individual property owners. Commissioner Lapenta stated that he was in favor of rezoning because both streets were badly in need of improvement and the rezoning was a good first step. Commissioner McGladdery also stated that he was in favor of the rezoning on Lodi Avenue, but was less certain about Pine Street. He felt that Lodi Avenue presented a more pressing

problem and should be dealt with separately. He felt that Pine Street could be handled at later date, possibly in conjunction with the downtown revitalization effort. Senior Planner Morimoto noted that there were other areas in the downtown which might be suitable for a change in zoning. He noted that both Sacramento Street and Main Street had industrial zoning which might not be appropriate in light of the downtown revitalization effort. He stated that the Planning Commission might possibly want to look at changing the zoning at least in the downtown area, from industrial to some type of commercial zoning. The East Pine Street area could then be studied in conjunction with this effort.

Following some additional discussion, Commissioner McGladdery made a motion to rezone the properties on Lodi Avenue from C-2, General Commercial to C-1, Neighborhood Commercial and to hold off on any action on the East Pine Street properties until some future date. This motion was seconded by Commissioner Lapenta. Commissioner Schmidt and Commissioner Rassmussen both stated that they found the motion acceptable as long as the Pine Street properties were brought back before the Planning Commission sometime soon. It was their feeling that they did not want this action on the Pine Street area to be postponed indefinitely. Following this discussion, the Commission approved the motion on a unanimous vote.

COMMENTS BY PLANNING COMMISSION ON NON-AGENDA ITEMS

One of the Commissioners asked about the status of the removal of the railroad tracks on East Lodi Avenue. Deputy City Attorney Luebberke explained that the City was still in negotiations with the Central California Traction line and there was still some disagreement about whether the Lodi Avenue line was part of the mainline or if it was in fact a spurline. He also noted that the railroad company was doing some work on Lodi Avenue to try to improve the quality of the road surface.

**STATUS OF THE
REMOVAL OF
THE RAILROAD
TRACKS ON
EAST LODI
AVENUE**

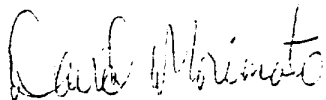
ANNOUNCEMENTS

Community Development Director Schroeder took this opportunity to introduce Dorean Rice who was recently appointed as the newest Planning Commissioner. Chairman Marzolf welcomed Commissioner Rice to the Planning Commission.

**INTRODUCED
NEW PLANNING
COMMISSIONER
DOREAN RICE**

As there was no further business to be brought before the Planning Commission, Chairman Stafford adjourned the session at 9:00 p.m.

Respectfully submitted,



DAVID MORIMOTO, AICP
Senior Planner

Excerpts from City Council Minutes
of August 16, 1995

6. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider the Planning Commission's recommendations that the City Council downzone East Lodi Avenue on the north side, the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial to C-1, Neighborhood Commercial.

Hearing Opened to the Public

1. Russell Ings, 334 East Lodi Avenue, Lodi, owner of a lunch truck business, expressed opposition to this matter and requested that any decision be held off for one month while property owners learn more regarding the proposal; and
2. Gary Buzunis, 964 Lucas Road, Lodi, complained that he was not notified by the City regarding this matter. Mr. Buzunis feels the property value would go down if the zoning were changed from C-2 to C-1, in addition to the limit of uses for the property. Mr. Buzunis requested that the City Council put off its decision on this matter for at least 60 days.

Public Portion of Hearing Was Not Closed.

ACTION:

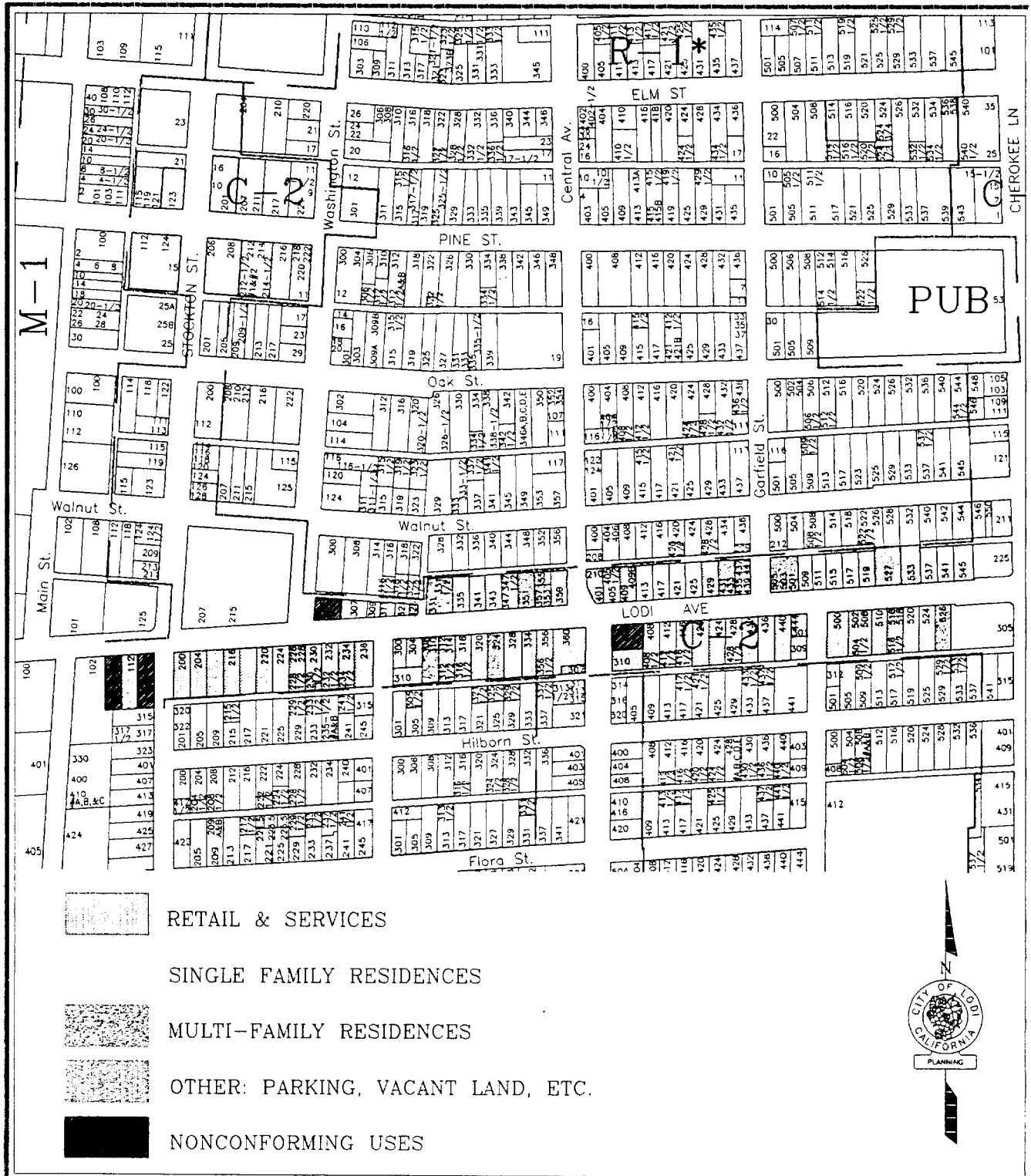
The City Council, on motion of Council Member Sieglock, Davenport second, unanimously continued the public hearing until the City Council meeting of October 18, 1995. Council Member Sieglock suggested that an appraisal of the area be made to assess whether or not property values would increase or decrease.

FILE NO. CC-53(a)



COMMUNITY DEVELOPMENT
DEPARTMENT

PROPERTIES OF
PROPOSED REZONE



ORDINANCE NO. 1621

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI
AND THEREBY REZONING EAST LODI AVENUE ON THE NORTH SIDE,
THE 200 BLOCK, THE 300 BLOCK, THE 400 BLOCK AND 501-545 OF THE 500 BLOCK,
AND ON THE SOUTH SIDE 104-112 OF THE 100 BLOCK, THE 200 BLOCK,
THE 300 BLOCK, THE 400 BLOCK AND 500-526 OF THE 500 BLOCK FROM C-2,
GENERAL COMMERCIAL TO C-1, NEIGHBORHOOD COMMERCIAL

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The parcels located at East Lodi Avenue on the north side, the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block are hereby rezoned from C-2, General Commercial to C-1, Neighborhood, as shown on the Vicinity Map, on file in the office of the City Clerk.

Section 2. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

SECTION 3 - NO MANDATORY DUTY OF CARE. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4 - SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 1995

STEPHEN J. MANN
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1621 was introduced at a regular meeting of the City Council of the City of Lodi held October 18, 1995 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1995 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1621 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney



CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: (Continued From August 16, 1995)
PUBLIC HEARING REGARDING DOWNZONING OF EAST LODI AVE

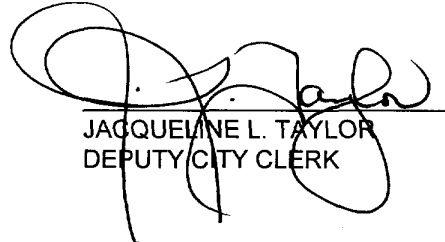
PUBLISH DATE: SATURDAY, OCTOBER 14, 1995

TEAR SHEETS WANTED: ONE

AFFIDAVIT AND BILL TO: JENNIFER M. PERRIN
CITY CLERK

DATED: OCTOBER 11, 1995

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 18, 1995

Time: 7:00 p.m.

- CONTINUED -

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING (CONTINUED)

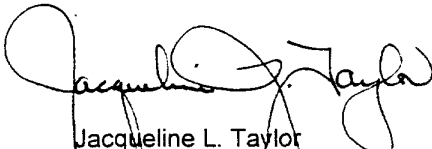
NOTICE IS HEREBY GIVEN that on **Wednesday, October 18th**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Downzoning of East Lodi Avenue on the north side of the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side, 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial C-1, Neighborhood Commercial.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

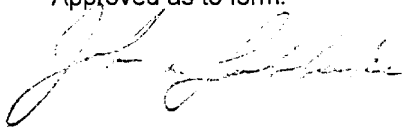
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jacqueline L. Taylor
Acting City Clerk

Dated: Continued by Council August 16, 1995

Approved as to form:


John Luebberke
Deputy City Attorney

EASTSIDE IMPROVEMENT COMMITTEE

Citizen Volunteers Fighting Crime, Drugs, and Blight

P. O. Box 2444

Lodi, Ca. 95241

(209) 368-8848

October 6, 1995

TO: Lodi City Council and Staff
FROM: Virginia Snyder
RE: Downzoning East Lodi Avenue

According to Steve Mann, the council votes do not exist to downzone East Lodi Avenue. When we discussed this at last night's board meeting, some disturbing reactions came out.

Our group agreed that unless some meaningful zoning actions take place, Lodi's eastside will continue to be a dumping ground for tacky, inappropriate businesses which erode the surrounding neighborhoods and create more slum conditions. (Please see the enclosed photograph of an E. Lodi Ave. business called *The Attic*, and also photographs of the latest eastside business to obtain a business license to operate a front yard junk shop at 610 Victor Road. Please drive by and take a look - it's another mess on a direct route into Lodi.

We asked for guidance from the Planning Commission, and their response was to recommend to you that East Lodi Avenue be downzoned. Now, according to Steve, a majority of the council is not convinced this is the best way to clean up that street.

The chief opponent to downzoning is Gary Bezunis, who Steve says is one of his best friends. Because of that close relationship, Steve will no doubt disqualify himself from the vote, so that leaves the remaining four councilmembers to make the decision. We hope to convince you to vote for the downzoning.

(EIC is spending this weekend on retreat to study Landmark Districts. We want to learn exactly what they mean. It's our understanding they can be anything the city council says they are. We hope to schedule a shirtsleeve session in the near future to share what we've learned with you--it may be a way to create a win-win situation for all concerned. If East Lodi Avenue can be beautified without creating an assessment district, property values increased, and merchants attract more customers, other areas such as East Pine Street may be knocking on your doors demanding their own districts. Wouldn't that be a switch? Anyway, we've obtained copies of legislation used by the cities of Woodland and Pasadena to create special districts. I'm having copies made for you.)

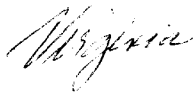
Our board of directors unanimously agreed (Kevin Suess was absent) it makes absolutely no sense to spend millions to revitalize downtown and Cherokee Lane while at the same time allowing the eastside to continue its downward spiral. It's not too late to save East Lodi Avenue, but every day brings the possibility for more tire shops and other open air businesses to be licensed.

Zoning changes by previous city councils have destroyed our eastside neighborhoods. Now, unfortunately, you are faced with the challenge of trying to undo those decisions. Courageous, innovative zoning can turn the eastside around and you have it in your power to do just that. As you've demonstrated, this council has the political will to make bold decisions. If it's done before any more open-air businesses are licensed, downzoning will create only a handful of non-conforming businesses.

We strongly urge you take a walk or a drive down East Lodi Avenue. Please pay particular attention to the attractive bungalows housing *The Joy of Decorating and American Therapy Equipment*. Picture a street with an old-town ambiance, no garish billboards and signs, and thriving, well-kept businesses which exist in harmony with the adjacent residential neighborhoods. It is possible! We believe CDBG funds could be used as incentives for merchants to upgrade their property. That might take some of the sting out of downzoning.

Please vote to downzone East Lodi Avenue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Virginia", is written in dark ink.



1010 E. Hwy 12
(Cherokee at Victor Rd.)



610
~~1010~~ E. Hwy 12
(Victor Rd. near Cherokee Ln.)



The Attic East Lake Ave.



The Attic East Lake Ave.



East Lake Ave The Attic